

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EVANS ALLEN MEZGER,)
Plaintiff,)
v.) **Civil Action No. 3:08cv0163**
PRICE CPAs, PLLC,) **Judge Thomas A. Wiseman, Jr.**
Defendant.)

ORDER AND FINAL JUDGMENT

Before the Court is plaintiff Evans Allen Mezger's Motion for Summary Judgment (Doc. No. 25), seeking a judgment of liability against defendant Price CPAs, PLLC in the amount of \$19,804.32 plus a reasonable attorney's fee and costs. The motion has been fully briefed and is ripe for consideration.

For the reasons set forth in the accompanying Memorandum Opinion, the Court finds that (1) defendant Price CPAs violated the Fair Labor Standards Act by failing to pay Mezger for over-time work in the amount of \$9,902.16; (2) Mezger is entitled to recover that amount from Price CPAs, plus an additional \$9,902.16 in liquidated damages; (3) Mezger is entitled to an award of a reasonable attorney's fee and related expenses in this action as a matter of law; and (4) as the prevailing party, Mezger is also entitled to an award of costs pursuant to Rule 54(d)(1) of the Federal Rules of Civil Procedure. Mezger having failed to present argument regarding the question of whether Price CPAs should be permanently enjoined from future violations of the FLSA, the Court finds that entry of a permanent injunction is not warranted. Accordingly, the Court hereby orders as follows:

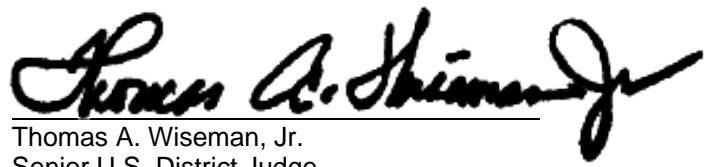
(1) Judgment is hereby entered in favor of the plaintiff Evans Allen Mezger and against the defendant Price CPAs in the amount of \$19,804.32.

(2) Pursuant to Local Rule 54.01(b), plaintiff's motion for attorneys' fees and related nontaxable expenses (*i.e.*, those cost not covered by Fed. R. Civ. P. 54(d)(1)) shall be filed within thirty days of entry of this Order and Final Judgment. The parties are advised to refer to Local Rule 54.01(3) for further guidance.

(3) Pursuant to Local Rule 54.01(a), if counsel *cannot* agree on costs, counsel for the plaintiff shall submit a Bill of Costs with supporting documentation to the Clerk of Court within thirty days of entry of this Order and Final Judgment.¹ Counsel is directed to comply with Local Rule, as well as applicable federal rules and statute in seeking recovery of costs permitted to the prevailing party as a matter of course.

It is so **ORDERED**.

This is a final judgment for purposes of Fed. R. Civ. P. 58.



The image shows a handwritten signature in black ink, which appears to read "Thomas A. Wiseman, Jr.". Below the signature, there is a horizontal line underlining the name.

Thomas A. Wiseman, Jr.
Senior U.S. District Judge

¹ The appropriate form can be downloaded from the Court's website:
<http://www.tnmd.uscourts.gov/files/billofcosts.pdf>.